

REMARKS

In a final office action dated January 8, 2008, claims 11-20, 27, 30, 33, and 36-48 have been rejected under 35 USC §112, first paragraph. In response, claims 11-20, 27, 30, 33, and 36-48 have been cancelled and new claims 49-70 have been added. Claims 49-70 are presently pending.

35 USC §112, first paragraph rejections – Enablement

Claims 11-20, 27 and 38-42 continue to be rejected under §112, first paragraph, for an alleged lack of enablement. The Examiner re-asserts the reasoning set forth in previous office action in support of the rejection.

The Examiner does indicate in the office action that the specification is enabled for making and using an isolated *B. spectabilis* polynucleotide comprising SEQ ID NO: 8, or encoding a polypeptide comprising SEQ ID NO: 9, wherein the polypeptide has RIP activity.

The Examiner contends that the rejected claims cover “any polynucleotide comprising SEQ ID NO: 8 or encoding a polypeptide comprising SEQ ID NO: 9” and such claims are not enabled by the specification.

In the interest of obtaining a timely allowance, but in no way admitting that the cancelled claims lack the necessary disclosure to be enabled, Applicants have cancelled the rejected claims and have submitted new claims 49-70. The new claims are directed to an

isolated *B. spectabilis* polynucleotide comprising SEQ ID NO: 8, or encoding a polypeptide comprising SEQ ID NO: 9, wherein the polypeptide has RIP activity.

Accordingly, Applicants respectfully submit that the above §112, first paragraph rejection be reconsidered and withdrawn.

35 USC §112, first paragraph rejections – Written Description

Claims 11-20, 27, 30, 33, and 36-48 continue to be rejected under §112, first paragraph, as allegedly containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the Inventors, at the time the application was filed, had possession of the claimed invention.

According to the Examiner, the rejected claims are so broad as to encompass any polynucleotide encoding a polypeptide comprising a sequence at least 75% identical to SEQ ID NO: 9, or any polynucleotide comprising SEQ ID NO:8. The Examiner contends that the specification lacks (i) the function of all proteins comprising SEQ ID NO:9 or encoded by a polynucleotide comprising SEQ ID NO: 8; (ii) regions of the protein that may be modified without affecting the desired activity; (iii) general tolerance of the desired activity to modification and extent of such tolerance; (iv) rational and predictable scheme for modifying any residues with an expectation of obtaining the desired function; and (v) sufficient guidance as to which of the essentially infinite possible choices is likely to be successful.

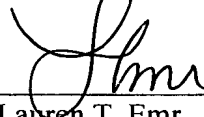
In the interest of obtaining a timely allowance, but in no way admitting that the cancelled claims lack the necessary disclosure to satisfy the written description, Applicants have cancelled the rejected claims and have submitted new claims 49-70. The new claims are

directed to an isolated *B. spectabilis* polynucleotide comprising SEQ ID NO: 8, or encoding a polypeptide comprising SEQ ID NO: 9, wherein the polypeptide has RIP activity.

Accordingly, Applicants respectfully submit that the above §112, first paragraph rejection be reconsidered and withdrawn.

If the Examiner has any questions or unresolved issues, she is invited to contact Applicants representative at the phone number provided below.

Respectfully submitted,



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